REMARKS

Claims 1-24 are pending in the above-identified application. Claims 1-24 were rejected. Claims 1-24 remain at issue in the above-identified application.

I.   35 U.S.C §103(a) Obviousness Rejection of Claims

Claims 1-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,202,971 (*Henson et al.*) filed December 17, 1990 in view of U.S. Patent No. 5,842,213 (*Odom et al.*) filed January 28, 1997. Applicants respectfully traverse this rejection and request reconsideration and allowance of the pending claims.

"To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teaching. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP §2143.

Concerning claim 1, neither *Henson et al.*, *Odom et al.*, nor *Henson et al.* in view of *Odom et al.* teach or suggest all the claim limitations found in claim 1. Furthermore, *Henson et al.* in view of *Odom et al.* does not teach or suggest "comparing the first file structure to the second file structure" as recited, for example, in claim 1.

The Examiner cites *Henson et al.* at column 13, lines 57-60 as evidence that *Henson et al.* in view of *Odom et al.* teaches or suggests the comparing limitation found in claim 1. *Henson et al.* states,

> With reference to Fig. 8, a client node may have access to files which reside in a remote server node. Such a client gains access to a server's files by mounting one of the server's directories. In the client node, the data structures created by a remote mount operation *compare* to those created by mounting a local entity in

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the following ways: Just as in the local case, a remote mount creates a vfs in the client node (e.g. block 54). Just as in the local case, use of a file in a virtual file system which contains remote files creates a vnode structure in the client node (e.g. block 57). (Col. 13, Lines 54-66; Emphasis added.)

The word "compare" as used in *Henson et al.* does not mean "comparing," *i.e.*, the act of conducting a comparison, as is claimed in claim 1. In the context presented in *Henson et al.*, the term "compare" is synonymous with the meaning "is consistent with," "to be worthy of comparison," and "to be regarded as similar or equal." Webster's Third New World International Dictionary of the English Language 462 (1993) ("Webster's"). Webster's identifies the word "compare" in this context as an intransitive verb. Webster's also defines the meaning of the transitive verb form of the word "compare" as to mean, "to examine in order to discover similarities or differences." An intransitive verb cannot and does not take a direct object of a sentence while a transitive verb must take a direct object to complete the sentence. As an example, consider the verb "carried." An example of the use of the verb "carried" in its intransitive form is, "The sound of the choir "carried" through the cathedral." When "carried" is used in its transitive form, the same word projects a significantly different meaning. For example, "The truck carried the boxes." The same analysis can be applied to the term "compare."

Henson et al. uses the word "compare" in its intransitive form to mean "to be worthy of comparison," or "to be regarded as similar or equal." Applicants use the word "compare" (the root of comparing) in its transitive form where "said first file structure to said second file structure" is the object of the verb. The meanings and use of the term "compare" are distinct. *Henson et al.* does not communicate the same meaning of the term "compare" as Applicants, and thus does not teach or suggest the limitation of "comparing said first file structure to said second file structure." As *Odom et al.* fails to correct this deficiency, *Henson et al.* in view of *Odom et al.* fails to establish a *prima facie* case of obviousness. For at least these reasons, claim 1 is patentable over the cited references, and Applicants respectfully request the rejection be withdrawn.

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Claims 9 and 17 are not unpatentable over *Henson et al.* in view of *Odom et al.* for at least the same reasons that claim 1 is not unpatentable over *Henson et al.* in view of *Odom et al.* Claims 2-8 depend from claim 1 and are therefore not unpatentable over *Henson et al.* in view of *Odom et al.* for at least the same reasons. Claims 10-16 depend from claim 9 and are therefore not unpatentable over *Henson et al.* in view of *Odom et al.* for at least the same reasons. Claims 18-24 depend from claim 17 and are not unpatentable over *Henson et al.* in view of *Odom et al.* for the same reasons.

Concerning claim 3, the Examiner mistakenly applies the use of the word "log" as found in claim 3 to be equivalent to "logon" as found in *Henson et al.* "A sequence log of changes," as recited in claim 3 is not the comparable to *Henson et al.'s* disclosure that "the user must have a separate 'logon'." (See *Henson et al.* Col. 2, lines 40-42). The two words are distinct and possess decisively different meanings.

With respect to the Examiner's argument that claim 1 is justly rejected since *Henson et al.* in view of *Odom et al.* teaches "transforming file structure," Applicants respectfully disagree because, as stated previously in the Response dated June 30, 2004, the pending claims do not possess the limitation of "transforming file structure." In the Office Action dated January 5, 2005 (p. 8), the Examiner states that Applicant's [sic] argue that Henson and Odom do not teach 'transforming file structure,'" but that is not what Applicants argued. On the contrary, Applicants stated that "transforming file structure" is not in the pending claims. Whereas the Examiner is making a rejection on a limitation that is not in the claims, the rejection is improper. Accordingly, the rejection is without merit and should be withdrawn.

CONCLUSION

In view of the above amendments and remarks, Applicants submit that all claims are allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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